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| 10/005,740 11/06/2001  |                 | Robert C. Chang      | SANDP011                 | SANDP011 9137    |  |
| 26541  | 7590 11/05/2004 | EXAMINER             |                          |                  |  |
| RITTER, LANG & KAPLAN<br>12930 SARATOGA AE. SUITE D1<br>SARATOGA, CA 95070 |                 |                      | GORDON, CARLENE MICHELLE |                  |  |
|  |                 |                      | ART UNIT                 | PAPER NUMBER     |  |
| ornari ouri,   | CH 95070        |                      | 2124                     |                  |  |

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |   |                                     | Application No.    | Applicant(s)   |  |  |  |  |
|---|---|-------------------------------------|--------------------|--|--|--|--|--|
| Office Action Summary   |   |                                     | 10/005,740         | CHANG ET AL.   |  |  |  |  |
|   |   |                                     | Examiner           | Art Unit   |  |  |  |  |
|   |   |                                     | Carlene Gordon     | 2124   |  |  |  |  |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  |   |                                     |                    |  |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, ithe maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). |   |                                     |                    |  |  |  |  |  |
| Status  |   |                                     |                    |  |  |  |  |  |
| 1)[   | Responsive to communi   | <br>cation(s) filed on <u>06 No</u> | ovember 2001.      |  |  |  |  |  |
|   | This action is <b>FINAL</b> .   | 2b)⊠ This action is non-final.      |                    |  |  |  |  |  |
| 3)□   | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. |                                     |                    |  |  |  |  |  |
| Disposition of Claims   |   |                                     |                    |  |  |  |  |  |
| <ul> <li>4)  Claim(s) 1-30 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 1-8,11,12 and 14-30 is/are rejected.</li> <li>7)  Claim(s) 3,8-10,13-14 is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>  |   |                                     |                    |  |  |  |  |  |
| Applicat  | ion Papers  |                                     |                    |  |  |  |  |  |
| <ul> <li>9) ☐ The specification is objected to by the Examiner.</li> <li>10) ☐ The drawing(s) filed on <u>06 November 2001</u> is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</li> <li>11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</li> </ul>   |   |                                     |                    |  |  |  |  |  |
| Priority (  | under 35 U.S.C. § 119   |                                     |                    |  |  |  |  |  |
| <ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>  |   |                                     |                    |  |  |  |  |  |
|   | ce of References Cited (PTO-89  |                                     | 4) ☐ Interv        | iew Summary (PTO-413)                                    |  |  |  |  |
| 2) Notice 3) Information  | ce of Draftsperson's Patent Dra<br>mation Disclosure Statement(s)<br>er No(s)/Mail Date   | wing Review (PTO-948)               | Paper<br>5) Notice | No(s)/Mail Date of Informal Patent Application (PTO-152) |  |  |  |  |

#### **DETAILED ACTION**

This action is responsive to the application filed on November 06, 2001.
 Claims 1-30 are pending in the application.

#### **Drawings**

- 2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the handwriting on the drawings are difficult to read. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
- 3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference 516 in Fig. 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant

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will be notified and informed of any required corrective action in the next Office

action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description:

Figs. 6a-c, 7a-b, 8a, 8c-f all include reference characters not described in

the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or

amendment to the specification to add the reference character(s) in the

description in compliance with 37 CFR 1.121(b) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior

version of the sheet, even if only one figure is being amended. The replacement

sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37

CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the

changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection

to the drawings will not be held in abeyance.

Specification

5. The use of the trademark COMPACT FLASH and numerous others have been noted in this application. They should be capitalized wherever they appear and be accompanied by their generic terminologies.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

## Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 28-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A simple amendment will overcome this rejection.

The language of claim 28 is directed merely to an abstract idea that is not tied to a technological machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims 28 is an abstract ideas because:

The command descriptor of claim 28 is not claimed to reside on a <a href="mailto:computer readable">computer readable</a> or not claimed to be performed on an <a href="mailto:apparatus">apparatus</a> that could execute the command and produce a tangible result.

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The rejection of the base claims is necessarily incorporated into their dependent claims; as such, the dependent claims do not provide limitations that overcome the non-statutory subject matter of the base claim.

8. To expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

#### Claim Rejections - 35 USC § 112

- 9. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 10. The term "substantially" in claims 3, 8, and 14 is a relative term which renders the claims indefinite. The term "substantially" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term "substantially" renders indefinite the "extracting" of the new firmware, and the "detaching" and "attaching" of the reader.

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11. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- 12. Claims 1, 4-7, 11-12, 15-17, and 26-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Graham et al. (WO 01/78020 A1), hereafter "Graham".

#### 13. As to claim 1:

Graham teaches:

providing new firmware to a host (pg. 37 lines 14-22, "load new applications", "Server 1310... accepts new application code 1314, and communicates over internet"; Fig. 13);

sending the new firmware from the host to a reader, the host being in communication with the reader, the reader being arranged to interface with the memory storage device (Fig. 13; pg. 38 lines 11-18 "loading via computer", "card reader terminal is attached to computer 1330", "card 212 is inserted into the terminal"), wherein the memory storage device includes installed firmware (pg. 37 lines 14-22, "load new applications onto an existing card");

sending the new firmware from the reader to the memory storage device (pg. 38 lines 23-24, "card reader terminals are for writing to a card"); and

incorporating the new firmware into the memory storage device (pg. 37, 14–16, "load new applications onto card"), wherein the new firmware at least partially replaces the installed firmware (pg. 8, line18, "card updated with new or revised applications").

## 14. As to claim 4:

Rejection of claim 1 is incorporated and further Graham teaches: providing the new firmware to the host includes downloading the new firmware from a server (Fig. 13, pg. 38, lines 7-14, "takes place between server...").

## 15. As to claim 5:

Rejection of claim 1 is incorporated and further Graham teaches: incorporating the new firmware into the memory storage device updates the installed firmware (pg. 8, line18, "card updated with new or revised applications post-issuance").

#### 16. As to claim 6:

Rejection of claim 5 is incorporated and further Graham teaches:

writing the new firmware into the memory storage device using the host

Fig. 13; pg. 38 lines 11-18 "loading via computer 1330"; pg. 38 lines 15-24, "card reader terminal is attached to computer 1330", "terminals... for writing to a smart card").

#### 17. As to claim 7:

Rejection of claim 6 is incorporated and further Graham teaches:

enabling in-system-programming capabilities on the reader, wherein the in-system programming capabilities allow the new firmware to be incorporated into the memory storage device (pg. 38 line 23 – pg. 39 line2, "card reader terminal... interface device that function to transfer commands between card and computing device" "terminal may be non-intelligent device... or complex... include application software and the ability to communicate"; pg. 39 lines 26-28 "application code 1314... the new applications"; pg. 8, line18, "card updated with new or revised applications").

#### 18. As to claim 11:

Graham teaches:

the memory card, the memory card including installed card firmware (pg. 8, line18, "card updated with new or revised applications");

means for providing new card firmware to the memory card (Fig. 13; pg. 38 lines 11-18, "server", "computer 1330"; pg. 38 lines 23-29, "card reader terminals") and

means for incorporating the new card firmware into the memory card (Fig. 13; pg. 38 lines 23-29, "card reader terminals... interface device that functions to transfer information and commands between smart card and computing device")

such that the new card firmware at least partially replaces the installed card firmware (pg. 8, line18, "card updated with new or revised applications").

# 19. As to claim 12:

Rejection of claim 11 is incorporated and further Graham teaches: a host (Fig. 13 "computer 1330"; and

means for allowing the host to interface with the memory card (pg. 38 lines 23-29, "card reader terminals"), the host being arranged to provide the new card firmware to the means for allowing the host to interface with the memory card (pg. 38 lines 16-18 "card reader terminal is attached computer 1330"), wherein the means for allowing the host to interface with the memory card includes means for sending the new card firmware to the memory card (pg. 38 lines 27-29, "terminal... suitable interface... functions to transfer").

# 20. As to claim 15:

Rejection of claim 12 is incorporated and further Graham teaches:

the host is arranged to write information onto the memory card (pg. 38 lines 15-24, "card reader terminal is attached to computer 1330", "terminals... for writing to a smart card").

# 21. As to claim 16:

Rejection of claim 12 is incorporated and further Graham teaches:

the host is arranged to read information from the memory card (pg. 38 lines 15-24, "card reader terminal is attached to computer 1330", "terminals... for reading from a smart card").

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#### 22. As to claim 17;

Rejection of claim 11 is incorporated and further Graham teaches:

the memory card includes a non-volatile memory (pg. 1 lines 23-24, "card include... non-volatile memory").

#### 23. As to claim 26:

Graham teaches:

a port, the port being arranged to accept the memory device (Fig. 13; pg. 38 lines 11-18 "card reader terminal is attached to computer 1330", "card 212 is inserted into the terminal");

a firmware (pg. 39 line 2 "application software"), the firmware being arranged to support in-system-programming capabilities, the in-system-programming capabilities including enabling the computing system to provide the memory device with updated firmware code for the memory device though the adapter (pg. 38 line23 – pg. 39 line 2, "card reader terminal... interface device that function to transfer commands between card and computing device" "terminal may be non-intelligent device... or complex... ability to communicate"; pg. 39 lines 26-28 "application code 1314... the new applications"; pg. 8, line18, "card updated with new or revised applications").

## 24. As to claim 27:

Rejection of claim 27 is incorporated and further Graham discloses the adaptor is one of a USB reader or a PC reader (pg. 39 lines 3-5, "terminal... attached to a PCMCIA card" – PCMCIA card is interpreted as a PC card).

# Claim Rejections - 35 USC § 103

- 25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 26. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham as applied to claim 1 above, and further in view of Watanabe (USPN 6,148,366), hereafter "Watanabe".

As to claim 2:

Rejection of claim 1 is incorporated and further Graham discloses sending the new firmware and first command from the host to the reader (pg. 38 lines 23-30, "card reader terminal... functions to transfer information and commands between card and computing device"; pg. 39)

Graham does not explicitly teach embedding the new firmware into a first command.

However Watanabe discloses in an analogous system transferring commands used for sending firmware, the firmware and a first command being sent simultaneously, thus embedding the firmware within a first command (Fig. 4; col. 4 lines 19-42, "write command and the data are simultaneously transferred").

At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art to embed the new firmware into a first command in order to send the first command and new firmware simultaneously, because this provides the new firmware to the memory storage device of Graham and this method would decrease the number of processings such as command issue, data transfer and status, as suggested by Watanabe in col. 2, lines 27-35.

- 27. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, and further in view of Datar et al. (US Patent Publication No. 2002/0137501 A1), hereafter "Datar".
- 28. As to claim 19:

Graham discloses:

A memory storage device (Fig. 13 "card 212"), the memory storage device being arranged to interface with a reader (Fig. 13; pg. 38 lines 11-18, "card 212 is inserted into the terminal"), the memory storage device comprising:

a storage element, the storage element being arranged to store data (pg. 1 lines 23-24, "card include... non-volatile memory", pg. 2 lines 3-5, "Non-Volatile memory such serves to store information"); and

firmware (pg. 17, "application already loaded on the card") which is being updated (pg. 8, line18, "card updated with new or revised applications") while the memory storage device is interfaced with the reader (Fig. 13; pg. 3 lines 15-22, "post-issuance loading may occur in the home via a computer 1330..., a card reader terminal... and card inserted into terminal").

Graham does not explicitly disclose the firmware being arranged to cooperate with the storage element to store the data and to execute instructions, the firmware further being arranged to support in-system-programming capabilities, wherein the in-system-programming capabilities enable the firmware to be substantially updated.

However, Datar discloses firmware stored in external non-volatile memory, such as the non-volatile memory as disclosed in Graham, and arranged to cooperate with the storage element to store the data and to execute instructions (pg. 1 paragraph [0004], "Firmware stored in non-volatile memory... consists of instructions", "Flash ROM"; pg. 3 paragraph [0030]), the firmware further being arranged to support in-system-programming capabilities (pg. 3 paragraph [0030] – [0033], "reprogramming firmware", "Flash ROM programming/reprogramming"), wherein the in-system-programming capabilities enable the firmware to be substantially updated (pg. 3 paragraph [0033], "Flash Rom can be updated... without removing").

Graham and Datar are analogous art because they are from a similar problem solving area of updating firmware on memory storage devices. One of ordinary skill in the art at the time of the applicant's invention would have been

motivated to combine the inventions to allow the firmware of Graham to be arranged to support the in-system-programming capabilities of Datar. The motivation would have been to provide the update of firmware on the non-volatile memory devices of Graham while consuming less time and reducing wear and tear of the devices as suggested by Datar (pg. 1 paragraph [0008]).

## 29. As to claim 20:

Rejection of claim 19 is incorporated and further Graham discloses a receiving mechanism, the receiving mechanism being ranged to receive an update for the firmware through the reader (pg. 1 lines 23-30, "A smart card may include... non-volatile memory").

#### 30. As to claim 21:

Rejection of claim 20 is incorporated and further Datar discloses wherein the firmware is arranged to incorporate the update to update the firmware (pg. 3 paragraphs [0030-0031], "program or reprogram Flash ROM").

#### 31. As to claim 22:

Rejection of claim 21 is incorporated and further Datar discloses wherein the updated firmware includes a capability to perform a power-on-reset to reset the firmware associated with the memory storage device (pg. 2 paragraph 0027, "boot code or start up code in ROM for initializing").

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#### 32. As to claim 23:

Rejection of claim 19 is incorporated and further Datar discloses a controller wherein the firmware is included in the controller (pg. 1 paragraph [0002] "microcontrollers... operating in response to... firmware.")

#### 33. As to claim 24:

Rejection of claim 19 is incorporated and further Graham discloses the storage element is a non-volatile memory storage element (pg.

1 lines 23-24, "card include... non-volatile memory", pg. 2 lines 3-5, "Non-Volatile memory such serves to store information").

34. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham as applied to claim 15 above, and further in view of Pua et al. (US Pub. No. 2002/0194403), hereafter "**Pua**".

As to claim 18:

Rejection of claim 15 is incorporated and further Graham does not explicitly disclose the memory storage device is one selected from the group consisting of a secure digital card, a Compact Flash card, a multimedia card, and a Memory Stick card. However, Graham discloses the memory storage device is a smart card.

Pua discloses the memory storage device is one selected from the group consisting of a secure digital card, a Compact Flash card, a multimedia card, and a Memory Stick card (pg. 2 claim 6).

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Graham and Pua are analogous art because they teach memory storage devices. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the invention of Graham to include the option of having a choice of memory storage devices as disclosed by Pua (pg. 2 claim 6). As disclosed in Pua, these cards are used for a similar purpose of memory storage on pg. 2 paragraph [0024] and are, therefore, obvious variations known to one of ordinary skill in the art, offering the advantage of consumer options.

35. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham and Datar as applied to claim 24 above, and further in view of Pua et al. (US Pub. No. 2002/0194403), hereafter "**Pua**".

As to claim 25:

Rejection of claim 24 is incorporated and further Graham does not explicitly disclose the memory storage device is one selected from the group consisting of a secure digital card, a Compact Flash card, a multimedia card, and a Memory Stick card. However, Graham discloses the memory storage device is a smart card.

Pua discloses the memory storage device is one selected from the group consisting of a secure digital card, a Compact Flash card, a multimedia card, and a Memory Stick card (pg. 2 claim 6).

Graham, Datar and Pua are analogous art because they teach memory storage devices. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the inventions of Graham and Datar, to include the option of having a choice of memory storage devices as disclosed by Pua (pg. 2 claim 6). As disclosed in Pua, these cards are used for a similar purpose of memory storage on pg. 2 paragraph [0024] and are, therefore, obvious variations known to one of ordinary skill in the art, offering the advantage of consumer options.

36. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al. (WO 01/78020 A1), hereafter "**Graham**", and further in view of Watanabe (USPN 6,148,366), hereafter "**Watanabe**".

#### 37. As to claim 28:

Graham discloses a computer system including a host, a reader, and a memory storage device (Fig. 13; pg. 38 lines 11-18 "loading via computer", "card reader terminal is attached to computer 1330", "card 212 is inserted into the terminal"), the reader and the memory storage device being arranged to support an in-system-programming update of firmware associated with the reader (pg. 37 lines 14-22, "load new applications", "Server 1310... accepts new application code 1314, and communicates over internet"; pg. 38 lines 23-24, "card reader terminals are for writing to a card"; Fig. 13; pg. 37 lines 14-22, "load new

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applications onto an existing card" – Shows loading new updates to card without removing devices, therefore supporting in-system-programming).

Graham further discloses transferring commands between a host and memory storage device through a reader (pg. 38 lines 23-29, "transfer... commands").

Graham does not explicitly disclose a command descriptor comprising:

a first set of bits, the first set of bits being arranged to indicate an operation code, the operation code being associated with a first command supported by the command descriptor;

and at least a first bit, the at least first bit being arranged to indicate that in-system-programming is to be enabled in the memory storage device.

However Watanabe discloses a command descriptor (col. 4, lines 19-20, "Command Descriptor Block"; Fig. 4) comprising:

a first set of bits, the first set of bits being arranged to indicate an operation code, the operation code being associated with a first command supported by the command descriptor (Fig. 4; "Byte 0" "OP CODE"; col. 4, lines 19-22, "write command");

and at least a first bit, the at least first bit being arranged to indicate that in-system-programming is to be enabled in the memory storage device (Fig. 4 "403"; col. 4 lines 27-31, "bits are '1'", "transferred... with write command").

At the time of the applicant's invention, one of ordinary skill in the art would have been motivated to include in the commands of Graham the command descriptor block of Watanabe to indicate a write command. The motivation would

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have been to provide a command descriptor for writing or updating firmware on a communicating device and indicating whether the data to be written will be transferred simultaneously with the command which affords the advantage of decreasing the number of processings such as data transfer as suggested by Watanabe in col. 2 lines 27-40.

## 38. As to claim 29:

Rejection of claim 28 is incorporated and further Watanabe discloses at least a second bit, the at least second bit being arranged to indicate that at least a second command is able to pass from the host to the memory storage device through the reader, wherein the second command is a pass through command (Fig. 4 "403"; col. 4 lines 27-31, "bits are '1", "transferred... with write command").

# Allowable Subject Matter

- 39. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 40. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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41. Claim 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(USPN 6,393,561).

43. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlene Gordon whose telephone number is (571) 272-3722. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from

for published applications may be obtained from either Private PAIR or Public

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free).

CG // /

KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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